IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Con.Case(C).No. 1302 of 2006(S)

AGAINST THE JUDGEMENT/ORDER IN WPC.3921/2006 Dated 13/02/2006

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PETITIONER

DR. AMBIKA MABEL, PROPRIETOR,
AMBIKA AUDITORIUM, MULLUVILA VEEDU,
VENGANOOR P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS:

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1. SOURABH JAIN, AGED 30,
GENERAL MANAGER, KERALA FINANCIAL CORPORATION,
THIRUVANANTHAPURAM.

2. FRANCIS GOMAS, AGED 52,
CHIEF MANAGER, KERALA FINANCIAL CORPORATION,
THIRUVANANTHAPURAM.

3. MAYA KRISHNAN, AGED 45,
ASSISTANT MANAGER, KERALA FINANCIAL CORPORATION,
THIRUVANANTHAPURAM.

BY ADV. SRI.L.MOHANAN, SC, KFC

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

Con. Case (C).NO. 1302 OF 2006

Dated this the 7th day of December, 2006

JUDGMENT

Contempt Petition is filed alleging that respondents have not complied with the direction contained in the judgment in WPC. However, it is seen from the judgment that W.P. was disposed of based on petitioner's undertaking and the petitioner has admittedly violated the said undertaking by making payment through cheque but by later dishonouring it. Therefore at the time of admission, this Court felt that contempt is committed by the petitioner and not by the respondents. Accordingly Corporation was given freedom to proceed with sale of the property. Petitioner filed another Writ Petition in the same matter, WPC 26065 of 2006, which was closed on 22.11.2006 as this Court found that that another W.P. was not maintainable. Thereafter Writ Appeal was filed against the judgment in WPC 3921 of 2006 which shows that even according to the petitioner, there is no contempt committed by the respondents. In view of the above findings, I am convinced that contempt petition is filed without any bona fides as the

petitioner herself does not have any basis to allege contempt against the respondents. In the circumstances, contempt petition is dismissed with costs of Rs. 10000/- which the petitioner will remit before the State Legal Services Authority at High Court building and produce receipt before the Registry within three weeks from now, failing which Registry will proceed for recovery.

(C.N.RAMACHANDRAN NAIR)
Judge